
Case No. 23-1382

**BEFORE THE UNITED STATES COURT OF APPEALS FOR THE
FEDERAL CIRCUIT**

ELLWOOD CITY FORGE COMPANY, ELLWOOD NATIONAL STEEL CO.,
ELLWOOD QUALITY STEELS CO., A. FINKL & SONS,

Plaintiffs-Appellants,

v.

UNITED STATES, METALCAM S.P.A.,

Defendants-Appellees,

Appeal from the United States Court of International Trade in Case No. 21-00073 Judge Stephen A. Vaden
--

**PLAINTIFFS-APPELLANTS' CONSENT MOTION FOR
VOLUNTARY DISMISSAL AND DISMISSAL AGREEMENT**

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*Counsel to Ellwood City Forge Company,
Ellwood National Steel Co.,
Ellwood Quality Steels Co.,
and A. Finkl & Sons*

FORM 9. Certificate of Interest

Form 9 (p. 1)
July 2020

**UNITED STATES COURT OF APPEALS
FOR THE FEDERAL CIRCUIT**

CERTIFICATE OF INTEREST

Case Number 2023-1382

Short Case Caption Ellwood City Forge Company v. US

Filing Party/Entity Ellwood City Forge Company, Ellwood National Steel Co.,
Ellwood Quality Steels Co., and A. Finkl & Sons

Instructions: Complete each section of the form. In answering items 2 and 3, be specific as to which represented entities the answers apply; lack of specificity may result in non-compliance. **Please enter only one item per box; attach additional pages as needed and check the relevant box.** Counsel must immediately file an amended Certificate of Interest if information changes. Fed. Cir. R. 47.4(b).

I certify the following information and any attached sheets are accurate and complete to the best of my knowledge.

Date: 01/23/2023

Signature: /s/ Thomas M. Beline

Name: Thomas M. Beline

FORM 9. Certificate of Interest

Form 9 (p. 2)
July 2020

1. Represented Entities. Fed. Cir. R. 47.4(a)(1).	2. Real Party in Interest. Fed. Cir. R. 47.4(a)(2).	3. Parent Corporations and Stockholders. Fed. Cir. R. 47.4(a)(3).
Provide the full names of all entities represented by undersigned counsel in this case.	Provide the full names of all real parties in interest for the entities. Do not list the real parties if they are the same as the entities. <input checked="" type="checkbox"/> None/Not Applicable	Provide the full names of all parent corporations for the entities and all publicly held companies that own 10% or more stock in the entities. <input type="checkbox"/> None/Not Applicable
Ellwood City Forge Company		None
Ellwood National Steel Co.		None
Ellwood Quality Steels Co.		None
A. Finkl & Sons		Schmolz + Bickenbach

☐ Additional pages attached

FORM 9. Certificate of Interest

Form 9 (p. 3)
July 2020

4. Legal Representatives. List all law firms, partners, and associates that (a) appeared for the entities in the originating court or agency or (b) are expected to appear in this court for the entities. Do not include those who have already entered an appearance in this court. Fed. Cir. R. 47.4(a)(4).

☐ None/Not Applicable ☒ Additional pages attached

5. Related Cases. Provide the case titles and numbers of any case known to be pending in this court or any other court or agency that will directly affect or be directly affected by this court's decision in the pending appeal. Do not include the originating case number(s) for this case. Fed. Cir. R. 47.4(a)(5). See also Fed. Cir. R. 47.5(b).

☒ None/Not Applicable ☐ Additional pages attached

6. Organizational Victims and Bankruptcy Cases. Provide any information required under Fed. R. App. P. 26.1(b) (organizational victims in criminal cases) and 26.1(c) (bankruptcy case debtors and trustees). Fed. Cir. R. 47.4(a)(6).

☒ None/Not Applicable ☐ Additional pages attached

Attachment to Certificate of Interest
CAFC No. 2023-1382

The names of all law firms and the partners or associates that appeared for the party or amicus now represented by me in the trial court or agency, or expected to appear in this court are:

Appearing before this Court:

CASSIDY LEVY KENT (USA) LLP

Thomas M. Beline, Partner

James E. Ransdell, Counsel

Before trial court:

CASSIDY LEVY KENT (USA) LLP

Thomas M. Beline, Partner

Jack A. Levy, Partner

Myles S. Getlan, Partner

Jeffrey B. Denning, Partner

James E. Ransdell, Associate

Chase J. Dunn, Associate

Nicole Brunda, Associate

Before agency:

CASSIDY LEVY KENT (USA) LLP

Thomas M. Beline, Partner

Jack A. Levy, Partner

Myles S. Getlan, Partner

James E. Ransdell, Associate

**PLAINTIFFS-APPELLANTS' CONSENT MOTION FOR
VOLUNTARY DISMISSAL AND DISMISSAL AGREEMENT**

Pursuant to Rule 42(b) of the Federal Rules of Appellate Procedure, Plaintiffs-Appellants, Ellwood City Forge Company, Ellwood National Steel Co., Ellwood Quality Steels Co., and A. Finkl & Sons, hereby move to voluntarily dismiss the above-captioned appeal. Plaintiffs-Appellants note that this appeal remains in its earliest stage, having been docketed in this Court on January 12, 2023. *See* ECF Doc. 1-1. Each party will bear its own costs.

On January 20, 2023, counsel for Plaintiffs-Appellants contacted Sarah E. Kramer, counsel for Defendant-Appellee United States, and Richard P. Ferrin, counsel for Defendant-Appellee Metalcam S.p.A., concerning this motion. On January 20, 2023, counsel for Metalcam S.p.A. indicated their client's consent to this motion and agreement to the aforementioned terms of voluntary dismissal. On January 23, 2023, counsel for the United States indicated their client's consent to this motion and agreement to the aforementioned terms of voluntary dismissal.

Based on the foregoing, Plaintiffs-Appellants respectfully request that the court dismiss the above-captioned appeal, assigned docket number 2023-1382.

* * *

Respectfully submitted,

/s/Thomas M. Beline

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January 23, 2023

*Counsel to Ellwood City Forge
Company, Ellwood National Steel Co.,
Ellwood Quality Steels Co.,
and A. Finkl & Sons.*

Case No. 23-1382

**BEFORE THE UNITED STATES COURT OF APPEALS FOR THE
FEDERAL CIRCUIT**

ELLWOOD CITY FORGE COMPANY, ELLWOOD NATIONAL STEEL CO.,
ELLWOOD QUALITY STEELS CO., A. FINKL & SONS,

Plaintiffs-Appellants,

v.

UNITED STATES, METALCAM S.P.A.,

Defendants-Appellees,

Appeal from the United States Court of International Trade in Case No. 21-00073 Judge Stephen A. Vaden
--

ORDER

Upon consideration of Plaintiffs-Appellants' Consent Motion for Voluntary
Dismissal and Dismissal Agreement, it is hereby:

ORDERED that Federal Circuit Docket Number 23-1382, *Ellwood City
Forge Company v. US*, is dismissed; and it is further

ORDERED that each party will bear its own costs

Signed: _____

Date: _____
Washington, D.C.

FORM 19. Certificate of Compliance with Type-Volume Limitations

Form 19
July 2020

**UNITED STATES COURT OF APPEALS
FOR THE FEDERAL CIRCUIT**

CERTIFICATE OF COMPLIANCE WITH TYPE-VOLUME LIMITATIONS

Case Number: 2023-1382

Short Case Caption: Ellwood City Forge Company v. US

Instructions: When computing a word, line, or page count, you may exclude any items listed as exempted under Fed. R. App. P. 5(c), Fed. R. App. P. 21(d), Fed. R. App. P. 27(d)(2), Fed. R. App. P. 32(f), or Fed. Cir. R. 32(b)(2).

The foregoing filing complies with the relevant type-volume limitation of the Federal Rules of Appellate Procedure and Federal Circuit Rules because it meets one of the following:

- ☒ the filing has been prepared using a proportionally-spaced typeface and includes 172 words.
- ☐ the filing has been prepared using a monospaced typeface and includes _____ lines of text.
- ☐ the filing contains _____ pages / _____ words / _____ lines of text, which does not exceed the maximum authorized by this court's order (ECF No. _____).

Date: 01/23/2023

Signature: /s/ Thomas M. Beline

Name: Thomas M. Beline